

MINUTES
OF
THE UTAH RADIATION CONTROL BOARD

August 3, 2007

Department of Environmental Quality, DEQ Building #2

Conference Room 101

168 N 1950 W

Salt Lake City, Utah 84114-4850

BOARD MEMBERS PRESENT

Stephen T. Nelson, Ph.D., Vice Chair
Dane L. Finerfrock, Executive Secretary
Patrick D. Cone
Christian K. Gardner
Elizabeth Goryunova, M.S.
Peter A. Jenkins, M.S., CHP
Joseph K. Miner, M.D., MSPH
Gregory G. Oman, D.D.S., B.S.
Robert S. Pattison, B.Sc.

BOARD MEMBERS ABSENT/EXCUSED

Kent J. Bradford, P.G., Chair
Frank D. DeRosso, MSPH, C.I.H.
Joette E. Langianese, Commissioner
Richard W. Sprott, DEQ Executive Director
John W. Thomson, M.D.

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Kevin Carney, DRC Staff
Gwyn Galloway, DRC Staff
Philip Griffin, DRC Staff
David Hogge, DRC Staff
John Hultquist, Section Manager
Craig Jones, Section Manager
Loren Morton, Section Manager
Yoli V. Necochea, DRC Staff
Raymond Nelson, DRC Staff
David J. Neville, DRC Staff

DRC STAFF/OTHER DEQ MEMBERS PRESENT - Continued

Thomas B. Rushing, DRC Staff
Donna Spangler, DEQ Policy and Planning
Sonja Wallace, DEQ Policy and Planning

PUBLIC

Steve Erickson, Citizens Education Project
Julie Felice, IHC
Judy Fahys, Salt Lake Tribune
Dave Frydenlund, Densison Mines (USA)
Corporation
Mark Ledoux, EnergySolutions
Treesa Parker, EnergySolutions
Tye Rogers, EnergySolutions
Dan Shrum, EnergySolutions.
Christopher Thomas, HEAL Utah

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the Department of Environmental Quality Conference Room 101; 168 North 1950 West; DEQ Bldg. #2; Salt Lake City, Utah.

Stephen T. Nelson, Vice Chairman called the meeting to order at 2:08 p.m. He welcomed the Board Members and the public. Vice Chairman Nelson indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the public comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of the June 1, 2007 Board Minutes

Stephen T. Nelson, Vice Chairman, asked the Board for corrections to the minutes from June 1, 2007. Elizabeth Goryunova, M.S., proposed the following corrections to the minutes of June 1, 2007.

1. Page 1, under subtitle: "Board Members Present," correction to DRC Board Member's name that is misspelled "**Christine K. Gardner.**" **Change to read: "Christian K. Gardner."**

MOTION MADE BY CHRISTIAN K. GARDNER TO APPROVE THE MINUTES WITH THE REQUESTED CORRECTION OF JUNE 1, 2007.

MOTION WAS SECONDED BY ELIZABETH GORYNOVA, M.S.

MOTION CARRIED AND PASSED UNANIMOUSLY

II. RULES

a. Proposed Rule R313-15-2 and R313-22-4, "Specific Licenses"

Philip Griffin, a DRC health physicist, provided the Board with information about the proposed changes to the Utah Radiation Control Rules. Mr. Griffin said this rulemaking action was a result of new regulations adopted by U.S. Nuclear Regulatory Commission (NRC) regarding the implementation of the National Source Tracking System for certain sealed sources. These NRC rules became effective in February 2007, and the NRC wants to have this tracking system in effect nationwide by November 2007.

The idea of a National Source Tracking System came from the desire of members of Congress to better track and account for larger sources of radioactive material that could potentially be misused by unscrupulous persons. The National Source Tracking System was designed to provide greater security for these sources in light of recent events since 9/11.

For the last few years, the Division has been providing to the NRC the

names and information of Utah licensees that have these sources, and these licensees have been contacted by the NRC to provide additional information on the sources they have. This reporting has been part of an interim tracking system leading up to the implementation of the National Source Tracking System.

The following are examples of the kinds of sources the National Source Tracking System will be tracking:

- (1) Industrial Radiography Sources – Typically these sources contain large quantities of Iridium-192, and are used by radiography companies to check the integrity of welds on pipes and other manufactured items.
- (2) Gamma Stereotactic Radiosurgery Units – These are devices that are typically used to treat cancers and other disorders of the brain by focusing the collimated radiation from many sources (usually containing Cobalt-60) at a specific, precise location.

The following are examples of sources that will not be tracked by the National Source Tracking System:

- (1) Portable Moisture/Density Gauges - These devices use one or more sources to measure the compaction and/or moisture content of soils and other materials. The gauges typically use a sealed source containing Cesium-137 to measure the density of materials, and an Americium-241 Beryllium source that is used to measure moisture content. The DRC has more licensees who possess these types of gauges than use any other specific use of radioactive material.

As you saw in the Board packet, the changes to these rules would include the addition of the definition of "Nationally Tracked Source" in both R313-15-2 and R313-22-4. There are new reporting requirements for licensees to keep their inventory up-to-date on the National Source Tracking System. There are certain requirements for manufacturers of sealed sources containing radioactive material to label the sources with a unique serial number. Most manufacturers of sealed sources are already in compliance with this requirement. Currently, there are no licensees in Utah who manufacture sealed sources. This requirement will be a parallel rule to NRC's in the off-chance that we might have a licensee come into Utah who would want to manufacture these types of sources.

RECOMMENDATION:

The Executive Secretary recommends that the Board approve the proposed changes to the Utah Radiation Control Rules, direct staff to file the changes for rulemaking, and direct staff to give notice to the public of a

30-day comment period. The proposed changes to the Rules will then be published in the Utah State Bulletin on September 1, 2007.

MOTION MADE BY PATRICK CONE TO DIRECT DRC STAFF TO FILE THE CHANGES FOR RULEMAKING, AND DIRECT STAFF TO GIVE NOTICE TO THE PUBLIC OF A 30-DAY COMMENT PERIOD.

MOTION SECONDED BY JOSEPH K. MINER, M.D., MSPH

MOTION CARRIED AND PASSED UNANIMOUSLY

b. Proposed Rule R313-19-100, “Transportation”

Gwyn Galloway reminded the Board that at the June 1, 2007 meeting, the Board granted approval to submit proposed changes to R313-19-100 for a 30-day public comment period. Modifications to R313-19-100 had been proposed to ensure compatibility with U.S. Nuclear Regulatory Commission (NRC) requirements set forth in 10 CFR 71, *Packaging and Transportation of Radioactive Material*.

Ms. Galloway told the Board about discussions she had with NRC Staff regarding the proposed changes to R313-19-100. As a part of these discussions, NRC provided more information and made some clarifications about the sections of 10 CFR 71 that must be incorporated. Because there was new information from NRC about the rulemaking, the previous version of proposed changes to R313-19-100 was not filed for public comment. Instead, additional modifications were made and she presented them to the Board for approval.

Gwyn also told the Board that she believes the additional changes will meet the NRC’s compatibility requirements for writing rules. She said that Division of Radiation Control (DRC) Staff is proposing that the revised version of the proposed rules go out for a 30-day public comment period.

QUESTIONS BY THE BOARD:

Stephen T. Nelson, Ph.D., Vice Chair asked if the NRC was happy with the compatibility of the rule changes. Gwyn Galloway responded that the NRC had not formally commented on the proposed rules, but that the NRC Staff she spoke with had indicated that the changes made to incorporate 10 CFR 71 should be acceptable. Dr. Nelson asked Ms. Galloway to clarify, if the DRC Staff believed that the proposed rules would now be accepted as compatible by the NRC. Ms. Galloway responded that DRC Staff believed proposed changes to R313-19-100 would be accepted as compatible with NRC requirements.

RECOMMEDATION:

The Executive Secretary recommended that the Board grant approval to submit the rules for a 30-day comment period.

MOTION MADE BY JOSEPH K. MINER TO ACCEPT THE PROPOSED RULES AND DIRECT STAFF TO GIVE NOTICE TO THE PUBLIC OF A 30-DAY COMMENT PERIOD.

MOTION WAS SECONDED BY ELIZABETH GORYUNOVA.

MOTION CARRIED AND PASSED UNANIMOUSLY

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No Items

IV. X-RAY REGISTRATION/INSPECTION

No Items

V. RADIOACTIVE WASTE DISPOSAL

a. Proposal Made by EnergySolutions (E.S.) to Provide Funding for the Perpetual Care Fund

Tye Rogers, EnergySolutions' Senior Vice President of Regulatory Affairs, said EnergySolutions (E.S.) prepared a 13 million dollar Letter of Credit for the Perpetual Care Fund. Mr. Rogers said E.S. looked at annuities, insurance, and several different options. In addition E.S. talked to the State Financial Institute. E.S. discussed the Letter of Credit with the staff at the Attorney General's Office and with DRC Staff. The following is a summary of Mr. Rogers' presentation to the Board.

- (1) What is Perpetual Care?
- (2) What Perpetual Care is Not?
- (3) Surety Example Table
- (4) E.S. Perpetual Care
- (5) Funding Mechanism

Discussion by Board Members:

Dane Finerfrock, Executive Secretary, said this would be a Board Action Item. He said that in September 2007, the Chairman of this Board, Kent J. Bradford, and the Division of Solid and Hazardous Waste's Board will attend an Interim Committee Meeting. They will report back to the Utah Radiation Control Board on whether the Interim Committee is or is not satisfied with the Letter of Credit.

Stephen T. Nelson, Vice Chairman, asked Laura Lockhart, DEQ Attorney,

to explain to the Board how they had come to an agreement on the Letter of Credit.

Ms. Lockhart said her primary concern was that the Letter of Credit would survive any kind of bankruptcy. She said after checking with the experts in her office and with the EPA, she felt comfortable with the Letter of Credit. She said the Letter of Credit would undergo some additional work.

Questions by Board Members:

Pat Cone asked how protected would pledged funding be in the form of a Letter of Credit?

Laura Lockhart said the primary thing in any contract is consideration. We are focusing on exactly what consideration we will need to make this a viable Letter of Credit. If we get the necessary consideration, then it will be protectable from bankruptcy.

Public Comments:

Christopher Thomas, HEAL Utah, thanked EnergySolutions, Tye Rogers, and the State for working on the Perpetual Care Fund issue. He said things had been looking kind of bleak for the Perpetual Care Fund. He said he had procedural questions that he wanted “out there for the record:” (1) does there need to be rules or laws that direct how the Letter of Credit monies are handled; when it is collected; and if it is put immediately into the Perpetual Care Fund. (2) the whole idea is that it needs to be transferred immediately, in order for it to accrue interest over the one hundred year period. (3) what may happen that could revoke the Letter of Credit. (4) For example, he asked, would a Board Action be necessary in order for the Letter of Credit to be revoked, or could the Executive Secretary or EnergySolutions revoke it? He said the potential avenues to revoke the Letter of Credit needed to be considered—especially in the context of the site’s perpetual care no longer being required by law or rule.

Laura Lockhart, Attorney General’s Office, responded to Mr. Thomas’ questions. She said the Letter of Credit would not go into the Perpetual Care Fund. The Letter of Credit would be in a Standby Trust to be used at the discretion of the Executive Secretary, and it may be adequate to leave it in the Standby Trust. However, she said it is an issue that needs to be considered and resolved.

Ms. Lockhart continued: Revocation is something that has been very carefully resolved in the Letter of Credit. She said there is “boiler plate language” utilized that is virtually the same under DEQ rules, NRC rules and Solid and Hazardous Waste rules. The “boiler plate language” does not allow EnergySolutions to simply revoke the Letter of Credit. Revocation will require a ninety day deliberation by the Executive

Secretary; however, the Executive Secretary can then demand a substitute Letter of Credit. If the substitute Letter of Credit is not forthcoming, within a reasonable period of time, the Executive Secretary can then demand that all of the monies promised by the Letter of Credit be immediately deposited into the Standby Trust. *EnergySolutions* has agreed to our request that any actions on the Letter of Credit be brought before the State of Utah

Christopher Thomas, HEAL Utah, thanked Laura Lockhart. He said he represents “a grassroots effort,” and ideally we would like to see a fully funded account i.e., “one bird in the hand is worth two in the bush.” He said he appreciated the work that had gone into the recommendation. He asked that if the Board adopted this Letter of Credit, that it be done conditionally--upon all issues being resolved. He asked that the Board raise the annual fee from \$400,000 per year to \$525,000 per year. He said the *EnergySolutions* Site had a projected life-time of 20 years. At \$400,000 per year, over a 20 year period, it is unlikely that *EnergySolutions* (E.S.) would fully fund the necessary \$13 million. It would make sense to HEAL Utah that E.S. pay in accordingly--so that at the end of E.S.’s projected life-time there would be \$13 million in the Perpetual Care Account in real dollars.

Laura Lockhart, DEQ Attorney, responded that she would call the Letter of Credit “real dollars,” because legally, they are “rock solid.”

Tye Rogers, *EnergySolutions*, said E.S. would be willing to change anything the State requests to be changed. If the State would like to condition their approval, E.S. would make certain the State was comfortable with the Letter of Credit. E.S. is willing to make \$13 million available for perpetual care at the time of closure. Also, E.S. cannot demand its money back. Even if E.S. gave a 90-day notice, E.S. would still have to get approval from the Executive Secretary.

Stephen T. Nelson, Ph.D., Vice Chairman, said the Board Action Item is to inform the Interim Committee whether the Board approves of the Letter of Credit, pending final resolution of outstanding issues that will need to be resolved to both parties satisfaction.

MOTION MADE BY JOSEPH K. MINER, MD MSPH, THAT THE BOARD ACCEPT THE MOTION WITH THE REQUESTED CORRECTIONS BY THE EXECUTIVE SECRETARY.

THIS MOTION WAS ROLL CALLED AND THE BOARD MEMBERS VOTED AS FOLLOWS:

Christian K. Gardner – Yes

Peter A. Jenkins, M.S., CHP – Yes
Elizabeth Goryunova, M.S. - Yes
Stephen T. Nelson, Ph.D., Vice Chair - Yes
Joseph K. Miner, M.D., MSPH - Yes
Gregory G. Oman, B.S., D.D.S. - Yes
Robert S. Pattison, B.S. - Yes
Patrick D. Cone - Yes

MOTION CARRIED AND PASSED UNANIMOUSLY

VI. URANIUM MILL LICENSING AND INSPECTION

No Items

VII. OTHER DIVISION ISSUES

a. DEQ Recycling Update

Sonja Wallace, DEQ, Pollution-Prevention Coordinator, informed the Board that DEQ had been looking at its own practices and trying to be more efficient and environmentally progressive. This includes recycling. We have changed our recycling system. Note the blue, recycling bins at the back of the room. DEQ now collects plastic, aluminum, cardboard, paper, and plastic bags (almost everything). DEQ has joined with Salt Lake City's program; consequently, DEQ has blue, recycling bins available throughout the Department. Each employee has a recycle box in their office, which are emptied for recycling once a week. DEQ has significantly increased its recycling effort. Prior to this time, DEQ was only recycling paper and aluminum.

Ms. Wallace said another effort undertaken by DEQ is to purchase Blue Sky Energy or Green Powers. It is wind power. DEQ is in the process of using 100 percent Blue Sky Energy. It will help reduce green-house gases that are a significant problem in the Salt Lake area. DEQ's environmental activities will be in the "State of the Environment Report." DEQ will have additional numbers for recycling and for using Blue Sky Energy. DEQ is also working with Rocky Mountain Power to evaluate our energy efficiency. Rocky Mountain Power has completed an audit of both DEQ Building #2 and the Cannon Health Building. They have found some significant, environmental issues that DEQ will work on to become more energy efficient.

Ms. Wallace said DEQ has also purchased compact fluorescent-bulbs, which have been given to each employee, and the employees have signed a pledge to install them in their homes. The bulbs last up to seven years, and each bulb can reduce up to 500 pounds of greenhouse gas. This is significant, when you look at the 400 employees at DEQ--and in getting

this message out. DEQ will be looking at our water use, and our water consumption. DEQ has completed an audit on its property for water use. DEQ has also made radon tests available for all employees' homes. DEQ will send back the radon test-results, and employees will know what radon levels are present in their homes. DEQ has many on-going initiatives (particularly mercury). Ms. Wallace said that DEQ would report back in a year and share the results.

Questions by the Board Members:

Joseph K. Miner, M.D., MSPH, asked for clarification regarding DEQ's purchase of Blue Sky-Wind Power. He said DEQ will purchase it from where it is produced and get "credit" for it, but will not use wind power.

Sonja Wallace responded that DEQ is purchasing Blue Sky. She said it is the rocky-mountain areas' power program for Green Power. The wind power DEQ purchases will off-set coal-made power, and help develop the infrastructure for wind power. Look at it on a national or global level. One problem has been not having the infrastructure, and DEQ will help develop the desire and market for wind power to expand. Ms. Wallace said there was a large company in Southern Utah that was developing three-hundred wind turbines, and this power will be available in a couple years. She said Salt Lake City, Moab City and local communities were also using the Blue Sky power program.

b. Possible Agenda Item: Definitions of Ore

Stephen T. Nelson, Ph.D., Vice Chairman, informed the Board that the need to define ore was brought to the Chairman's attention by Patrick D. Cone. He asked Dane Finerfrock if the DRC Staff could define what would constitute ore or what the various definitions of ore were.

Dane Finerfrock said DRC staff does not have a position on this. Mr. Finerfrock said over the last several years this issue has come up with respect to the alternative feed materials. The issue is, at what point are alternative feeds not profitable in order to extract uranium? He said that the DRC is an organization that addresses health and safety matters. If there is radiation exposure, it does not matter whether that exposure occurred from high-grade ore or from something that a geologist would not consider to be ore.

Patrick D. Cone said the Board needed to "set the definition of ore" for the next time this issue surfaces. He said the Board had issued a Position Statement on April 19, 1999; however, the Position Statement defined ore as a mineral or commodity. It did not include economics. The 1999 Position Statement also defined ore as a precious commodity to process. "Ore being a precious commodity" is not the primary reason it is being processed.

Consequently, he said, it makes sense to define ore and not necessitate defining it in the “heat of the moment.” He said he was certain the Board would be addressing “the issue of ore” again at some point.

After much discussion by Board Members, Stephen T. Nelson, Vice Chair, asked Dane L. Finerfrock if they could continue discussing the issue of ore at the October 2007, Board Meeting. He asked the DRC Staff and the Attorney General’s Office to go over the lengthy transcript from last fall’s hearings (the January 6, 2006 and January 26, 2006 DRC Board Hearing Transcripts). Vice Chairman Nelson asked that someone update and point out the relevant sections in the transcript; and discuss where the Board had left this issue.

Laura Lockhart, DEQ Attorney, agreed to brief the Board at the October 2007, Board Meeting. She said she would go over the legal issues of the 1999 transcript and the Position Statement.

Public Comment:

Christopher Thomas, HEAL Utah, said Colorado had a definition for ore and relevant information in their statute. He said he would comment on this issue at the October 2007, Board Meeting.

VIII. PUBLIC COMMENT

Steve Erickson, Citizens Education Project, said he did not want to put Laura Lockhart at risk for more projects; however, he would like the Board to consider another item at the September 2007 Board Meeting. He said there had been media coverage on the Milford fire releasing radiation. The radiation was picked up by the monitoring station in Milford; unfortunately, the monitoring system was either malfunctioning or was limited to measuring gamma radiation spikes. You can see it on the graphs that we have looked at from the CMPs. There is a ceiling of 860 microrems per hour. From data collected in the past at these stations, in particular the one in Milford, the readings have actually spiked on a regular basis with no explanation.

In this instance, the National Nuclear Security Agency (NNSA) publicly stated that the radiation that was being recorded in Milford during the fire was not a hazard. They said it was natural-occurring radon gas. Mr. Erickson said radon gas is not a supportable explanation by NNSA, because the instruments do not measure alpha. In addition, it took another two weeks for the Deseret Research Institute (DRI) – UNLV to analyze the samples more carefully. On August 2, 2007, DRI posted the statement that the data was subject to change. It has taken two weeks to get a realistic idea of what was collected, and it cannot be relied upon as the final conclusion. He said he realized this is not the purview of this particular agency—the monitoring sites are run by someone else; however, he asked the Board to review the problem with the monitoring systems in a formal sense. He said it was not acceptable in this day and age that we cannot have an

accurate monitoring and diagnosis of the problem--instead of speculation.

Questions/Comments by the Board:

Dane L. Finerfrock, Executive Secretary, said for as long as he could remember there have been monitoring stations sponsored and operated by local citizens, the Department of Energy or by the Environmental Protection Agency. He said the monitoring stations are there because of above ground nuclear testing conducted at the test site. Today, we have community, environmental monitoring-stations in Delta, Milford, Cedar City and St. George. There is a website that provides “real time information” about weather conditions and the external, gamma-dose rate. They are using a pressurized ion chamber that can only detect gamma radiation. The community stations are being sponsored by the Western Regional Climate Center, the National Nuclear Support Agency, and the Deseret Research Institute (DRI) in Nevada. When the spikes occurred, DRI analyzed air particulate samples. It took them two weeks to analyze the air filters. They were looking for a specific isotope which would give them confidence that the spikes on the graphs were legitimate.

Stephen T. Nelson, Vice Chairman, asked if the daughter product of radon was a gamma emitter.

Dane L. Finerfrock, Executive Secretary, responded. He said the radon daughters were a particulate, and the radon daughters did have gamma emitters. He said Mr. Ericson was referring to that. At first, the spikes were discussed in terms of radon. Radon has a 3.8 day half-life. For a cloud of radon to sit over this monitoring station for a period that approaches a 3.8 half-life and also given the spikes, the reading was unlikely. DRI took the air filters, the pressurized ion chamber and the associated cables back to the lab to see if it was functioning properly. At this stage, they are still doing that.

Peter Jenkins, M.S., CHP, said he was formally trained in environmental health physics. He said he did his fair share of running around the desert and picking up samples and reading pressurized ion chambers. Typically, he said, what you will do with a particulate sampler or filter is to count it initially. Next, you will store it in a desiccant for up to two weeks to decay off the radon products. The process’ taking two weeks in order to get isotopic information is not a bad turn around. You are literally measuring microcuries and measuring hundreds of atoms.

Steve Erickson, Citizens Education Project, said of course levels were so low that it further complicates the issue. He said he did not want to sound like an alarmist, but in terms of an accident at what point do you want to warn people to evacuate. The problem is that we are going to see this happen again and again. He asked what would be the Board’s message to the public, if this was the case?

Peter Jenkins, MS, CHP, said if the public is concerned about these issues, would the public have patience to educate themselves? He said this was a highly

technical matter. In his field, he said, he is a Certified Health Physicist, and he must appease these exact technical questions on a daily basis. He said we have spent more money in this country than any other country on the study of radiation interactions for all biota, not only with plants, animals, and humans--everything. We understand it very, very well. The question is how this information can be related to the public in a way that they will understand it. If someone is truly concerned, I think the answers are there. It is a matter of having the willingness to understand the answer, because it is a very technical answer.

Dane L. Finerfrock, Executive Secretary, responded that if the Board directed him to do so, he could have a number of people from the Deseret Research Institute, the National Nuclear Support Agency, and the DEQ Public Affairs Office speak to the Board about this.

Stephen T. Nelson, Ph.D., Vice Chairman directed Dane L. Finerfrock to have someone update the Board on this issue.

IX. OTHER ISSUES (Board Information Items)

a. Introduction of New Division Staff

Dane L. Finerfrock, Executive Secretary, informed the Board that the Division recently hired three new staff members. Dane asked each new DRC Staff Member to come forward and introduce themselves to the Board.

David J. Neville, Radon Program Coordinator, will be supervised by John Hultquist in the Low-Level Radioactive Waste, and Uranium Mill Tailings, Health Physicist Section. Mr. Neville said "hello everyone." He said he is a communications student at Utah State University and is working on his Masters' Thesis. He said his position is temporary. The position was created to get the radon program up and going throughout the State. He said he will be working with home builders and realtors to get radon resistant new-construction enacted everywhere across the State. Radon resistant construction will prevent radon from entering people's homes. Safer construction is a better way to control indoor air quality, and it creates a safer indoor environment. He invited Board Members to test their homes for radon gas.

Kevin Carney, Environmental Scientist, will be supervised by John Hultquist Low-Level Radioactive Waste, and Uranium Mill Tailings, Health Physicist Section. Mr. Carney said he has been working in DRC for almost two months. He said he is primarily assigned to the 11.e.2 Licensees. He said he has worked in health physics since 1980, and went to the "health physics' school of hard knocks." He worked in commercial energy plants for 10 years, at DOE sites and then in Utah for the last seven years. Now, he said, he is looking at health physics from a whole different prospective,

which is rather enjoyable. He said he likes what he is doing now.

Thomas B. Rushing, Hydrogeologist, will be supervised by Loren Morton in the Geotechnical Services Section. Mr. Rushing said he had been with DEQ for 15 years. He came to DRC from the Division of Water Quality. He worked on the 402 Permits (Surface Water Discharge Permits), specifically in the Storm Water Program. He said he had worked in the Storm Water Program for ten years. He said working for the DRC would give him the opportunity to use his geology experience. He said the Division of Radiation Control seemed to have a really-good group of people, and he was enjoying that.

b. Discussion: Requiring Electronic Copy

Stephen T. Nelson, Vice Chair, said “going electronic” is an issue that he wanted some input from both Dane L. Finerfrock and Laura Lockhart. He asked about requiring electronic copies for document submission and what were the issues surrounding this development.

Dane L. Finerfrock, Executive Secretary, said the Division receives rather large submissions from licensees: license applications, license amendment applications, reams and reams of environmental data. He said how do we make it available to the public? The Department is also interested in working through this dilemma. Mr. Finerfrock said that Laura Lockhart recently gave a presentation to senior management at the Department. He asked Ms. Lockhart to come forward and describe the legal issues.

Laura Lockhart, DEQ Attorney, explained that the general philosophy at DEQ is to make as much information available on the internet as possible, or for DEQ to be as transparent as it can be to the public. It has been difficult, because some of the documents that are received are only on paper. In order to make information available, we need to ensure that we get copies of everything submitted electronically as well as on paper. We have been considering promulgating a general rule for the Department that each Board adopt individual rules for each Division. We have not gone that far yet.

Ms. Lockhart said there are a lot of issues involved; for example, do we want to allow electronic submissions. This is an opportunity we have under this statute. We cannot require electronic submissions under the statute, but we can allow them. What do we do with things like engineer’s stamps, especially if we accept electronic submissions? Ms. Lockhart said there were three rulemaking initiatives that she wanted to undertake: (1) financial assurance rules for the Department; (2) updating our submission of electronic documents; and (3) updating our general administrative procedures and rules. Our financial assurance rules, for example, need to be

updated more quickly than other rules.

Stephen T. Nelson, Vice Chair, said that one of the things that occurred to him was to include an abstract or executive summary of each submission accompanied by a table of contents. This would allow the public to see if a lengthy document was something they wanted to interrogate further.

After some discussion by the Board Members and Laura Lockhart, it was agreed by the Board that Ms. Lockhart would present this at the next Board meeting in September 2007.

Public Comments:

Christopher Thomas, HEAL Utah, said as a member of the public who has tried to get some of these documents he applauded the fact that the Board was looking at this again. He said this would be a huge, wonderful thing to not only be able to retrieve some of these documents more easily, but to also be able to search them more easily. He said he really appreciated the suggestion made by the Acting Chairman. He said a table of contents would be amazingly helpful. He said that sometimes the public does not even know that something exists to GRAMA, because there are several appendix and different technical reports. He thanked the Board for looking into this.

- X. Next Scheduled Board Meeting: September 7, 2007, DEQ Bldg #2, Conference Room 101, 168 North 1950 West, Salt Lake City, Utah, 2:00 - 4:00 P.M.**

THE BOARD MEETING ADJOURNED AT 3:40 P.M.